

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**LESLIE RIGGS**

**APPELLANT,**

**v.  
STATE OF MISSOURI  
DEPARTMENT OF SOCIAL  
SERVICES, ET AL.**

**RESPONDENT.**

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DOCKET NUMBER WD77363

DATE: August 18, 2015

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Appeal From:

Jackson County Circuit Court  
The Honorable Jack R. Grate, Judge

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Appellate Judges:

Division One: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and James E. Welsh, Judge

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Attorneys:

Leslie R. Riggs, Appellant Pro Se.

Doug Leyshock and Nick Beydler, Jefferson City, MO, for respondent.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
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**LESLIE RIGGS,**

**APPELLANT,**

**v.**

**STATE OF MISSOURI DEPARTMENT  
OF SOCIAL SERVICES, ET AL.,**

**RESPONDENT.**

No. WD77363

Jackson County

Before Division One: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and James E. Welsh, Judge

Leslie Riggs appeals from a trial court judgment entered in favor of the State of Missouri Department of Social Services following a trial on her claims for disability discrimination and retaliation under the Missouri Human Rights Act. Riggs also appeals from a trial court order taxing costs against her. Riggs argues that the trial court erred: (1) in awarding and taxing costs incurred by Social Services against her; and (2) in making statements during voir dire and trial that demonstrated prejudice and bias against Riggs, depriving her of a fair trial.

**AFFIRM THE TRIAL COURT'S JUDGMENT. DISMISS APPEAL OF THE TRIAL COURT'S ORDER TAXING COSTS AS PREMATURE.**

**Division One holds:**

(1) Section 514.060 provides that, unless a different provision is made by law, the prevailing party shall recover his costs. The MHRA, the basis for Riggs's claims that were tried to the jury, prohibits a prevailing state agency from recovering costs. However, Riggs's petition also included a claim alleging numerous violations of the Missouri Constitution, as to which the trial court entered summary judgment in favor of Social Services just prior to trial. No provision of the law prohibits Social Services from recovering costs if it is the prevailing party on a claim alleging state constitutional violations. Section 514.060 does not bar the recovery of costs by a prevailing party merely because some of the claims as to which the party prevailed are subject to a legal restriction prohibiting the recovery of costs. The trial court did not err in awarding costs to Social Services in its judgment following trial.

(2) The general award of costs in a judgment must be distinguished from a specific calculation or taxation of costs. Section 214.060 imposes a ministerial duty on the circuit clerk, not the trial court, to tax statutory court costs. Though a trial court can retax costs at a party's request after the circuit court has taxed costs, a trial court is not authorized to perform the circuit clerk's statutory duty. The trial court's order taxing costs had no legal effect, and is not a final, appealable order because the circuit clerk has not yet taxed costs. Riggs's appeal from the order taxing costs is dismissed as premature.

(3) Riggs's claims of error regarding trial court statements made during voir dire and trial are reviewed for plain error. When viewed in context, the trial court's statement during voir dire about the financial state of the State of Missouri and its agencies was an attempt to emphasize the importance of candor to the venire. The trial court's admonishment of Riggs in front of the jury was warranted given her repeated failure to restrain her answers to the questions being asked. Neither circumstance rises to the level of plain error.

Opinion by Cynthia L. Martin, Judge

August 18, 2015

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